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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211206
Party	Defendant Molkerei Alois MAÏller GmbH & Co. KG
Correspondence Address	JAMES R MEYER SCHNADER HARRISON SEGAL & LEWIS LLP 1600 MARKET ST, STE 3600 PHILADELPHIA, PA 19103-7286 UNITED STATES trademarks@schnader.com
Submission	Motion to Suspend for Settlement Discussions
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Date	01/30/2015
Attachments	Joint Request.pdf(1621398 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANDROS General Partnership Company

Opposer,

v.

MOLKEREI ALOIS MUELLER GMBH  
& CO. KG

Applicant.

Opposition Nos. 91209478 and 91211206

Serial Nos. and Marks

85569298 MÜLLER FrütUp & Design

85569265 FrütUp & Design

85675252 FrütUp

**JOINT REQUEST TO AMEND APPLICATIONS AND STIPULATION OF DISMISSAL**

A settlement has been reached by the parties to both of these oppositions, contingent, in part, upon the entry of amendments limiting the goods of each application.

In accordance with Rule 2.133(a) of the Trademark Rules of Practice, the parties jointly request that the goods of the above applications be amended as follows (underlining indicates additions, and strikethroughs, deletions):

**Class 29:**

Yogurt products, namely products that are comprised predominantly of yogurt and contain a fruit component or fruit or other flavors sweetened and fruit flavored yogurt; yogurt drinks; dairy products, excluding ice cream, ice milk and frozen yogurt; milk; milk products, excluding ice cream, ice milk and frozen yogurt; beverages having a milk base; jellies; jams; fruit purees;; cheese; snack dips excluding salsa, chocolate and caramel; dairy-based



~~spreads; margarine; canned, dried, frozen or preserved fruit; canned, dried, frozen or preserved vegetables; prepared, processed or roasted nuts; ready to eat vegetable based snack foods repackaged with dairy based dips~~

**Class 30:**

Frozen yogurt, **namely products that are comprised predominantly of yogurt and contain a fruit component or fruit or other flavors** and ~~ice cream; dessert puddings; fruit jelly dessert candies; biscuits; cookies; cereal based snack foods and food bars; rice based pudding desserts~~

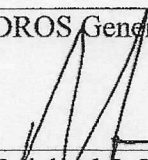
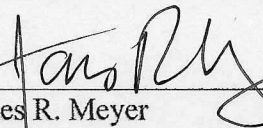
**Class 31:**

Fruit beverages containing **namely, products that are comprised predominantly of yogurt and contain a fruit component or fruit or other flavors** ; ~~non-alcoholic drinks, namely, soft drinks, fruit drinks and fruit juices~~

These amendments limit the goods recited in the applications and therefore may be entered without re-publication.

Provided the above-requested amendments are approved and entered by the Board, the parties respectfully request that the Board dismiss these Oppositions with prejudice. Pending the acceptance of the amendments, the parties request that the oppositions be further suspended.

Respectfully submitted,

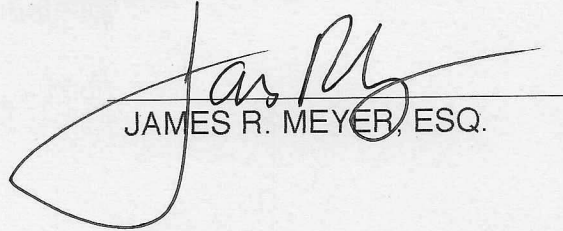
<p>Dated: <u>1/30</u>, 2015</p>	<p>ANDROS General Partnership Company</p> <p>By:  Michael J. Schwab, Esq. ABELMAN, FRAYNE &amp; SCHWAB 666 Third Avenue New York, NY 10017</p> <p><b>Attorneys for Opposer</b></p>
<p>Dated: <u>1/30</u>, 2015</p>	<p>MOLKEREI ALOIS MUELLER GMBH CO. KG</p> <p>By:  James R. Meyer SCHNADER HARRISON SEGAL &amp; LEWIS LLP 1600 Market Street, Suite 3600 Philadelphia, PA 19103</p> <p><b>Attorneys for Applicant</b></p>



The undersigned confirms that this Joint Request To Amend Applications and Stipulation of Dismissal was served on Michael Schwab, Esq., Opposer's counsel by e-mail on this 30th day of January, 2015 at the following address:

MJSchwab@lawabel.com. Such service is with agreement of counsel.

Friday, January 30, 2015



JAMES R. MEYER, ESQ.